



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MJ 8090

UNITED STATES OF AMERICA,
Plaintiff,
v.
Daniel AYON
Defendant.

} Magistrate Case No.:
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about January 30, 2008, within the Southern District of California, defendant Daniel AYON did knowingly and intentionally import approximately 28.06 kilograms (61.73 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 31, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31ST,
DAY OF JANUARY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Daniel AYON

4 **STATEMENT OF FACTS**

5 This statement of facts is based on the reports, documents, and notes furnished
6 to U. S. Immigration and Customs Enforcement Special Agent Jose G. Morquecho.

7 On January 30, 2008, at approximately 1635 hours, Daniel AYON entered the
8 United States at the Calexico, California, Port of Entry. AYON was the driver and of
9 1999 Jeep Grand Cherokee.

10 In primary, AYON gave Primary Officer Tolentino, a negative oral Customs
11 declaration. AYON told Officer Perez his mother owned the vehicle. Officer Tolentino
12 noted during inspection of the vehicle that spare tire of the vehicle felt unusually solid
13 and heavy. Officer Tolentino referred AYON and the vehicle to the vehicle secondary
14 lot.

15 In the vehicle secondary lot, AYON told Officer Perez he owned the vehicle, but
16 it was registered under his mother's name. AYON told Officer Perez he had brought an
17 Aunt to Mexicali, Baja California, Mexico, and no one else had driven the vehicle while
18 he had been in Mexicali. Officer Perez requested Canine Enforcement Officer Smura
19 sweep the vehicle with his assigned Narcotics Detector Dog. CEO Smura noted his
20 NDD alerted to the rear of the vehicle.

21 A subsequent inspection of the vehicle revealed 11 packages inside the spare
22 tire of the vehicle. Officer Perez probed one of the packages and a sample of a green
23 leafy substance was obtained, which field tested positive for marijuana. The 11
24 packages had a combined net weight of approximately 28.06 kilograms (61.73 pounds).

25 Maria Ayon, AYON's mother, was called and arrived at the Calexico Port of Entry
26 to collect personal items found in the vehicle. Maria stated her son had borrowed her
27 vehicle to come to work in Westmoreland, California.

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